

House File 237 - Introduced

HOUSE FILE 237

BY SALMON

A BILL FOR

1 An Act relating to the distribution of certain funds for
2 abortions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

DISTRIBUTION OF FEDERAL FUNDS — RESTRICTIONS — ABORTION

Section 1. DISTRIBUTION OF FEDERAL PUBLIC HEALTH SERVICES
ACT FUNDS FOR FAMILY PLANNING.

1. The department of public health shall annually apply to the United States department of health and human services for grant funding under Tit. X of the federal Public Health Services Act, 42 U.S.C. §300 et seq. The department shall distribute all grant funding received to applicants in the following order of priority:

a. Public entities that provide family planning services including state, county, or local community health clinics and federally qualified health centers.

b. Nonpublic entities that, in addition to family planning services, provide required primary health services as described in 42 U.S.C. §254b(b)(1)(A).

c. Nonpublic entities that provide family planning services but do not provide required primary health services as described in 42 U.S.C. §254b(b)(1)(A).

2. Distribution of funds under this section shall be made in a manner that continues access to family planning services.

3. Distribution of funds shall not be made to any entity that performs abortions or that maintains or operates a facility where abortions are performed. For the purposes of this section, "abortion" does not include any of the following:

a. The treatment of a woman for a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death.

b. The treatment of a woman for a spontaneous abortion, commonly known as a miscarriage.

4. Funds distributed in accordance with this section shall not be used for direct or indirect costs, including but not limited to administrative costs or expenses, overhead, employee

1 salaries, rent, and telephone and other utility costs, related
2 to providing abortions as specified in this section.

3 5. The department of public health shall submit a report to
4 the governor and the general assembly, annually by January 1,
5 listing any entities that received funds pursuant to subsection
6 1, paragraph "c", and the amount and type of funds received by
7 such entities during the preceding calendar year. The report
8 shall provide a detailed explanation of how the department
9 determined that distribution of funds to such an entity,
10 instead of to an entity described in subsection 1, paragraph
11 "a" or "b", was necessary to prevent severe limitation or
12 elimination of access to family planning services in the region
13 of the state where the entity is located.

14 Sec. 2. ADMINISTRATION OF PERSONAL RESPONSIBILITY

15 EDUCATION PROGRAM AND ABSTINENCE EDUCATION GRANT PROGRAM

16 FUNDS. Any contract entered into on or after July 1, 2017,
17 by the department of public health to administer the personal
18 responsibility education program as specified in 42 U.S.C.
19 §713 or to administer the abstinence education grant program
20 authorized pursuant to section 510 of Tit. V of the federal
21 Social Security Act, shall exclude as an eligible applicant any
22 applicant entity that provides abortions, maintains or operates
23 a facility where abortions are performed, or regularly makes
24 referrals to an entity that provides abortions or maintains or
25 operates a facility where abortions are performed. For the
26 purposes of this section, such referrals include but are not
27 limited to referrals made by reference to an internet site or
28 by linking to an internet site maintained by an entity that
29 provides abortions or maintains or operates a facility where
30 abortions are performed.

31 Sec. 3. AWARD OF COMMUNITY ADOLESCENT PREGNANCY PREVENTION
32 AND SERVICES PROGRAM GRANT FUNDS. Any contract entered into on
33 or after July 1, 2017, by the department of human services to
34 award a community adolescent pregnancy prevention and services
35 program grant using federal temporary assistance for needy

1 families block grant funds appropriated to the department
2 shall exclude as an eligible applicant any applicant entity
3 that provides abortions, maintains or operates a facility
4 where abortions are performed, or regularly makes referrals to
5 an entity that provides abortions or maintains or operates a
6 facility where abortions are performed. For the purposes of
7 this section, such referrals include but are not limited to
8 referrals made by reference to an internet site or by linking
9 to an internet site maintained by an entity that provides
10 abortions or maintains or operates a facility where abortions
11 are performed.

12 DIVISION II

13 RIGHT OF INTERVENTION

14 Sec. 4. RIGHT OF INTERVENTION. The sponsor or cosponsors
15 of this Act, as an agent or agents of the state, shall have
16 standing to intervene on behalf of the general assembly as a
17 party in any judicial or administrative proceeding challenging
18 the provisions of this Act.

19 DIVISION III

20 SEVERABILITY

21 Sec. 5. SEVERABILITY. If any provision of this Act or
22 the application of this Act to any person or circumstances is
23 held invalid, the invalidity shall not affect other provisions
24 or applications of the Act which can be given effect without
25 the invalid provisions or application and, to this end, the
26 provisions of this Act are severable.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill relates to the distribution of certain funds
31 relative to abortions.

32 Division I of the bill relates to the distribution and use
33 of certain federal funds for abortions. The division includes
34 limitations on distribution to certain applicants of federal
35 funds received by the state under Title X of the federal Public

1 Health Services Act, the personal responsibility education
2 program, the abstinence education grant program, and the
3 community adolescent pregnancy prevention grant program.

4 The division directs the department of health (DPH) to
5 distribute all grant funding received through Title X of
6 the federal Public Health Services Act on the basis of a
7 prioritized schedule of applicants. The division prohibits
8 funding to be distributed to any entity that performs abortions
9 or that maintains or operates a facility where abortions are
10 performed. The division also prohibits funds distributed to
11 be used for direct or indirect costs related to providing
12 abortions. The division makes exceptions to the definition
13 of "abortion" for the purpose of distribution of the funds.
14 The division directs DPH to submit a report annually to the
15 governor and the general assembly by January 1, identifying any
16 entities lowest in the prioritization schedule that received
17 public funds instead of an entity higher in the prioritization
18 schedule during the preceding calendar year. The report
19 shall include a detailed explanation of how DPH determined
20 that distribution to such an entity was necessary to prevent
21 limitations in access to family planning services in the region
22 of the state where the entity is located.

23 The division directs DPH, beginning with any contract
24 entered into on or after July 1, 2017, to administer the
25 state personal responsibility education program and the state
26 abstinence education grant program to exclude as an eligible
27 applicant any applicant entity that provides abortions,
28 maintains or operates facilities where abortions are performed,
29 or regularly makes referrals to an entity that provides
30 abortions or maintains or operates a facility where abortions
31 are performed.

32 The division directs the department of human services,
33 beginning with any contract entered into on or after July 1,
34 2017, to exclude from the award of federal temporary assistance
35 for needy families block grant funds appropriated to the

1 department for the community adolescent pregnancy prevention
2 and services program, any applicant entity that provides
3 abortions, maintains or operates a facility where abortions
4 are performed, or regularly makes referrals to an entity that
5 provides abortions or maintains or operates a facility where
6 abortions are performed.

7 Division II of the bill provides for a right of intervention.
8 The bill provides that a sponsor or cosponsors of the bill,
9 as an agent or agents of the state, shall have standing to
10 intervene on behalf of the general assembly as a party in
11 any judicial or administrative proceeding challenging the
12 provisions of the bill.

13 Division III of the bill provides for severability of any
14 provision or application of the bill that is held invalid from
15 the provisions or applications of the bill which can be given
16 effect without the invalid provisions or application.